

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|-----------------------------------|---|------------------------------------|
| NANCY ALBRIGHT and |) | |
| SARAH RODHOUSE, individually and |) | |
| on behalf of all others similarly |) | |
| situated, |) | Case No. _____ |
| |) | |
| Plaintiffs, |) | St. Louis City Circuit Court |
| |) | |
| v. |) | State Court Cause No. 1122-CC09292 |
| |) | |
| THE BI-STATE DEVELOPMENT |) | State Court Division No. 1 |
| AGENCY OF THE MISSOURI-ILLINOIS |) | |
| METROPOLITAN DISTRICT, |) | |
| d/b/a METRO, |) | |
| |) | |
| Defendant. |) | |

NOTICE OF REMOVAL

Comes now Defendant, The Bi-State Development Agency of the Missouri-Illinois Metropolitan District, d/b/a Metro ("Metro"), pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and files this Notice of Removal of the above-entitled action to the United States District Court, Eastern District of Missouri, Eastern Division, and as grounds therefore, respectfully states:

1. The above-entitled action, now pending in the Circuit Court of St. Louis City, is a civil action at law brought by Plaintiffs Nancy Albright and Sarah Rodhouse against Defendant Metro under the Fair and Accurate Credit Transactions Act, 15 U.S.C. § 1681 ("FACTA").
2. Pursuant to 15 U.S.C. § 1681p, "Any action to enforce any liability created under this subchapter may be brought in any appropriate United States district court, without regard to the amount in controversy."
3. Plaintiffs' claim in the Petition that Defendant violated the provisions of FACTA is a claim that arises under the Constitution, treaties or laws of the United States.

4. As Plaintiffs assert a claim in the Petition that arises under the Constitution, treaties or laws of the United States, removal to this Court is proper under 28 U.S.C. ¶ 1441(b) and 1446.

5. The above-described Petition was served upon Defendant on or after September 2, 2011, and therefore, the time for filing this Notice of Removal under 28 U.S.C. § 1446 has not yet expired. A copy of Plaintiff's Petition is attached hereto as Exhibit A. A copy of the Return of Service of Summons for Defendant, is attached hereto as Exhibit B. There are no other pleadings in the State Court file.

WHEREFORE, Defendant The Bi-State Development Agency of the Missouri-Illinois Metropolitan District, d/b/a Metro prays that this Honorable Court enter an Order, causing Cause Number 1122-CC09292 of the Circuit Court of St. Louis City, Missouri, to be removed to this Court for further proceedings, and that this Court take jurisdiction hereof and make further Orders as may be just and proper.

/s/ James C. Hetlage

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CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and that I mailed copies of the foregoing document by regular U.S. Mail to:

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/s/James C. Hetlage